

Message Text

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64

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 CIAE-00 COME-00 DODE-00 EB-11

FMC-04 INR-10 NSAE-00 RSC-01 CG-00 COA-02 DLOS-06

AF-10 ARA-16 EA-11 NEA-10 L-03 OIC-04 SS-20 SPC-03

NSC-10 PA-04 PRS-01 USIE-00 SSO-00 NSCE-00 INRE-00

DRC-01 /167 W

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FM USDEL TORREMOLINOS

TO SECSTATE WASHDC NIACT IMMEDIATE 62

INFO USMISSION GENEVA

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FROM USDEL TORREMOLINOS

E.O. 11652: N/A

TAGS: ETEL, ITU

SUBJECT: ITU OUTLINE OF PROPOSED US STATEMENT ON
TERRITORIES BEFORE OCTOBER 18 PLENARY

REF: TORREMOLINOS 63 AND 70

1. TWO ISSUES ARISE CONCERNING ADOPTION OF FIRST REPORT
OF COMMITTEE 8

A. US-UK-CAN-FR PROPOSAL #184 REVISING PARA 5.

B. THE RETENTION OF THE TWO-THIRDS MAJORITY AS ADMISSION
REQUIREMENT IN PARA #7.

2. FOR SIMPLICITY SAKE, FIRST WE REFER TO 2/3 ISSUE,
SUPPORTING STRONG STATEMENT TO BE MADE BY CANADA.

3. RETURNING TO US-ET AL PROPOSAL, WE SAY
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A. WHEN ART. 1 WAS FIRST CONSIDERED BY COMMITTEE 8, RESULTING IN DELETION OF PHRASE "GROUP OF TERRITORIES", IT WAS NOT CLEAR WHAT THIS DELETION ENTAILED.

B. THUS US-ET AL INTRODUCED PROPOSAL 184 TO SATISFY THE DESIRE OF THOSE DELEGATIONS WHO OBJECTED TO WORD "TERRITORY" BUT SEEMED WILLING THAT FORMER MEMBERS OF ITU WERE TO REMAIN MEMBERS.

C. HOWEVER, AS A RESULT OF THE MOST RECENT COMMITTEE 8 ACTION CONCERNING THE DELETION OF ARTICLES 46 AND 49, AND PARTS OF FORMER ANNEX 1, IT APPEARS THAT THERE ARE A LARGE NUMBER OF DELEGATIONS WHO INTEND TO DEPRIVE THE RIGHT TO MEMBERSHIP TO FULLY LEGITIMATE MEMBERS OF ITU.

D. US ASKED IN COMMITTEE 8 ON WHAT GROUNDS ARE US TERRITORIES TO BE DENIED MEMBERSHIP IN ITU; WE REITERATE THIS REQUEST FOR LEGAL BASIS OF ACTION.

E. THE LAW IS CLEAR; THE US TERRITORIES ARE BONAFIDE MEMBERS OF ITU, HAVE MET THEIR OBLIGATIONS CONSISTENTLY, AND IN NO REGARD HAVE GIVEN OFFENSE NOR VIOLATED THE TERMS OF ANY ITU CONVENTION.

F. FURTHERMORE, THERE IS NO PROVISION IN ITU FOR EXCLUSION OR EXPULSION OF MEMBERS. SUCH AN ACT IS THEREFORE PATENTLY ILLEGAL.

G. US CAN ONLY VIEW WITH GRAVE CONCERN THE APPARENT EXPULSION ENVISIONED BY THE COMMITTEE 8 ACTION REGARDING ARTICLES 46, 49, AND ANNEX 1.

H. IF DECISION IS UPHELD BY PLENARY, USDEL WILL HAVE TO MAKE STATEMENT RESERVING US GOVERNMENT'S FUTURE ACTION. EQUALLY IF NOT MORE IMPORTANT THAN EFFECT ON US INTERESTS, IS DAMAGE DONE TO ITU BY VIOLATION OF ITS STATUTES AND ARBITRARY NATURE OF PROCEDURE ADOPTED.

I. US PROPOSES, THEREFORE, THAT PLENARY RECONSIDER DECISION OF COMMITTEE 8 AND LIMITED OFFICIAL USE

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(1) SUBSTITUTE FOR "MEMBERS" ARTICLE 1
TERMS " THE COUNTRIES AND OTHER MEMBERS" (PROPOSAL 184)
SIGNIFYING THE INTENTION OF PLENARY THAT PRESENT MEMBERS
OF ITU ARE ENTITLED TO MAINTAIN THEIR MEMBERSHIP, AND

(2) IN SO DOING CONFIRM THAT ANNEX 1 WILL
REFLECT THIS CONCLUSION.

J. FYI: COMMENTS OF SWISS DELEGATION, TUESDAY IN
COMMITTEE 8, MAY BE OF INTEREST IN THIS REGARD. FOLLOWING
THEIR LINE OF ARGUMENT, US BY SIGNING TORREMOLINOS AS PRESENTLY
DRAFTED BY COMMITTEE 8, WOULD BE CONSENTING TO DELETION OF
ITS TERRITORIES FROM MEMBERSHIP. BY NOT SIGNING TORREMOLINOS,
US AND US TERRITORIES COULD CONTINUE TO OPERATE UNDER
MONTREUX. THE PRACTICAL AND LEGAL COMPLICATIONS OF SUCH
A STEP MAY OUTWEIGH ADVANTAGES BUT IT IS SIGNIFICANT THAT
FRENCH TELL US THEY WILL NOT SIGN OR WILL DELAY SIGNATURE
IF JOINED BY ANOTHER GREAT POWER. END FYI.
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